United Nations Convention on the Law of the Sea SPLOS/91

Meeting of States Parties

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Report of the twelfth Meeting of States Parties

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I. Introduction

1. The twelfth Meeting of States Parties to the United Nations Convention on the Law of the Sea was convened at United Nations Headquarters from 16 to 26 April 2002, in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken by the General Assembly at its fifty-sixth session (resolution 56/12, para. 9).

2. Pursuant to that decision and in accordance with rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.3), invitations to participate in the Meeting were addressed by the Secretary-General of the United Nations to all States Parties to the Convention. Invitations were also addressed to observers in conformity with rule 18 of the Rules of Procedure (SPLOS/2/Rev.3/Add.1), including to the President and the Registrar of the International Tribunal for the Law of the Sea and the Secretary-General of the International Seabed Authority.

II. Organization of work

A. Opening of the twelfth Meeting of States Parties and election of officers

3. The twelfth Meeting of States Parties was opened by the President of the eleventh Meeting, Ambassador Cristián Maquieira (Chile).

4. The Meeting elected by acclamation Ambassador Don Mackay (New Zealand) as President of the twelfth Meeting of States Parties.

5. The Meeting also elected the representatives of Honduras, Indonesia, Sierra Leone and Ukraine as Vice-Presidents.

B. Introductory statement by the President

6. In his opening statement, the President extended a welcome to all delegations participating in the Meeting and in particular, to Bangladesh, Madagascar and Hungary which, since the eleventh Meeting, had become States Parties to the United Nations Convention on the Law of the Sea, bringing the total number of Parties to 138. He urged the reaffirmation of the commitment of all Parties to reach the common objective of universal participation in the Convention.

7. Noting the presence of the President of the International Tribunal for the Law of the Sea and its Registrar, the Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf, the President emphasized that the institutions created under the United Nations Convention on the Law of the Sea continued to carry out their mandates effectively. He stated that the Tribunal had had two cases submitted to it since May 2001; the Authority had signed 15-year contracts for exploration for polymetallic nodules with all seven registered pioneer investors as of March 2002; and the Commission on the Limits of the Continental Shelf had received and begun the consideration of its first submission. The submission was from the Russian Federation.

8. As a follow-up to some of the recommendations made at the previous Meeting regarding the four trust funds which had been recommended by the tenth Meeting of States Parties and approved by the General Assembly, the President informed the Meeting that the financial statements on three of the trust funds would be made available to delegations upon request. The fourth trust fund, to defray the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing countries in the meetings of the Commission, had not as yet received any contribution.

9. The President then outlined the provisional agenda for the Meeting (SPLOS/L.23), noting that a number of the items dealt with matters related to the International Tribunal for the Law of the Sea, and that three items related to the Commission on the Limits of the Continental Shelf.

10. With respect to elections, he recalled that three elections were scheduled during the meeting:

(a) One to elect a member of the Tribunal to fill the vacancy created as a result of the passing away of Judge Edward Laing of Belize, which sad event had taken place on 11 September 2001. The documents relating to that election were SPLOS/77 and SPLOS/78;

(b) Another to elect seven members of the Tribunal to replace the members whose term of office would end in September 2002. The documents relating

to that election were SPLOS/77 and SPLOS/78 and Corr.1;

(c) Finally, an election of all 21 members of the Commission on the Limits of the Continental Shelf. The relevant documents are SPLOS/79, SPLOS/80 and SPLOS/81.

11. Following the statement by the President, a number of delegations made general as well as congratulatory statements.

C. Adoption of the agenda and organization of work

12. The Meeting considered the provisional agenda for the twelfth Meeting (SPLOS/L.23). The agenda as adopted is contained in document SPLOS/83.

III. Report of the Credentials Committee

13. The Meeting of States Parties appointed a Credentials Committee consisting of the following nine members: Angola, Fiji, Grenada, Malta, Mexico, Monaco, Philippines, Poland and Uganda.

14. The Credentials Committee held three meetings, on 18, 19 and 23 April 2002. The Committee elected Piotr Ogonowski (Poland) as Chairman. At its meetings, the Committee examined the credentials of representatives to the twelfth Meeting of States Parties. It accepted the credentials submitted by the representatives of all Parties to the Convention, including the European Community (138). On 19 April 2002, the Meeting of States Parties approved the first report of the Committee (SPLOS/84 and Add.1). The second report of the Committee (SPLOS/85) was approved on 23 April 2002.

IV. Matters related to the International Tribunal for the Law of the Sea

A. Annual report of the Tribunal

15. The annual report of the Tribunal for the calendar year 2001 (SPLOS/74) was submitted to the Meeting of States Parties under rule 6, paragraph 3 (d), of the Rules of Procedure for Meeting of States Parties.

16. P. Chandrasekhara Rao, President of the Tribunal, introduced the report, on behalf of the Tribunal.

17. He officially informed the Meeting that Judge Edward Arthur Laing, had passed away in Belize on 11 September 2001 and expressed condolences. Judge Laing's term was due to expire on 30 September 2002. He had made an active contribution to the work of the Tribunal. In particular, he was chairman of its Information Technology Committee.

18. The President of the Tribunal informed the Meeting that the Tribunal on 20 September 2001 had elected Philippe Gautier of Belgium as its Registrar following the resignation of Gritakumar Chitty. Mr. Gautier had first been elected Deputy Registrar of the Tribunal in 1996. Following the same procedure, the Tribunal on 12 March 2002 elected Doo-Young Kim of the Republic of Korea as its Deputy Registrar.

19. Prior to the election of the Registrar, the Tribunal, after due consideration of the practice of other similar bodies, amended article 32 of the Rules of the Tribunal, reducing the term of office of the Registrar and of the Deputy Registrar from seven to five years.

20. On the judicial side of the work of the Tribunal, the President stated that during 2001 the Tribunal had been seized of three cases: the "Grand Prince" case between Belize and France; the "Chaisiri Reefer 2" case between Panama and Yemen; and the MOX Plant case between Ireland and the United Kingdom of Great Britain and Northern Ireland. The judgment in the "Grand Prince" case, delivered on 20 April 2001, underlined the importance of the need to establish the status of the applicant as the flag State at all relevant times before an application for the release of a vessel or its crew from detention was made in accordance with article 292 of the Convention. As regards the "Chaisiri Reefer 2" case, at the request of the parties, the proceedings were discontinued and the case was removed from the list submitted to the Tribunal. This was a case, the President stated, in which the availability of relief by the Tribunal had helped to promote an out-of-court settlement.

21. The third case, the MOX Plant case, under article 290, paragraph 5, of the Convention, included a request for provisional measures. It involved issues concerning the protection of the marine environment. In its Order of 3 December 2001, the Tribunal found that the situation did not require the prescription of the provisional measures as requested by Ireland.

However, the Tribunal did prescribe certain provisional measures in the matter of cooperation between the parties and declared, among other things, that "the duty to cooperate is a fundamental principle in the prevention of pollution of the marine environment under Part XII of the Convention and general international law and that rights arise therefrom, which the Tribunal may consider appropriate to preserve under article 290 of the Convention". The President of the Tribunal also informed the Meeting that the parties had appointed Judge Mensah, a former President of the Tribunal, as President of the arbitral tribunal in the MOX Plant case, established under annex VII to the Convention.

22. The President of the Tribunal recalled General Assembly resolution 56/12 of 28 November 2001, in which the Assembly had underlined what it referred to as the Tribunal's "important role and authority concerning the interpretation or application of the Convention". While the Tribunal's accomplishments had not been insignificant, it was obvious that the Tribunal had not been put to full use. The Tribunal would be able to live up to the expectations of the international community only when litigants, especially States, made full use of the institution. He hoped that States would make declarations under article 287 of the Convention choosing the Tribunal as the means for the settlement of disputes concerning the Convention.

23. The General Assembly, the President continued, had made recommendations of interest to the Tribunal, three of which required special mention. First, under the heading "Effective functioning" of the Tribunal, the Assembly had made an appeal to all States Parties to pay their assessed contributions to the Tribunal in full and on time. The President reported that, as of 28 February 2002, there was an unpaid balance of assessed contributions in relation to the budgets of the Tribunal for the years 1996 to 2001 in the amount of US$ 1,189,879; the outstanding amount in relation to the 2002 budget was $5,677,976.

24. The General Assembly had also called upon States that had not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal. It was a matter of special satisfaction that the Agreement had entered into force on 30 December 2001 after the ratification of 10 States. The vast majority of States had yet to take steps to become parties to the Agreement, which had a bearing on the effective functioning of the Tribunal.

25. Thirdly, the General Assembly had underlined the importance of the Trust Fund established by the Secretary-General of the United Nations, pursuant to General Assembly resolution 55/7 of 30 October 2000, for the purpose of assisting States in the settlement of disputes through the Tribunal. The Assembly had invited States and others to make voluntary contributions to the Trust Fund. The President hoped that contributions would be forthcoming to make the Fund useful. He emphasized that financial hardship should not stand in the way of seeking recourse to the Tribunal. Steps should also be taken to see that wide publicity was given to the Fund.

26. The President informed the Meeting that by an exchange of letters in May and June 2001, the Tribunal and the United Nations had entered into an agreement extending the competence of the United Nations Administrative Tribunal to the staff members of the Tribunal. More recently, in March 2002, it was agreed, by a further exchange of letters, that the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations would act as the liaison office for the Tribunal, whereby the Division would provide all the administrative services of the Tribunal required in New York.

27. Agreements on cooperation in information-sharing were also entered into by the Registry with the Appellate Body Secretariat of the World Trade Organization (WTO), the Legal Affairs Division of the WTO Secretariat and the International Hydrographic Organization.

28. In conclusion, the President noted that the relations between the Tribunal and the host country, the Federal Republic of Germany, had remained very cordial. However, the Headquarters Agreement had yet to be finalized. He hoped that the outstanding issues would be resolved soon, in accordance with well-established international conventions and practices in that regard.

29. The Meeting took note with appreciation of the report of the Tribunal.

B. Budget of the Tribunal for 2003

30. The President of the Tribunal, in introducing the draft budget of the Tribunal for 2003 (SPLOS/WP.16), underlined that the budget proposals had been prepared on the basis of the evolutionary approach, in

accordance with the decisions of the Meeting of States Parties. He emphasized that the proposals, amounting to $7.81 million, were based on the principle of zero growth and in fact represented a slight decrease compared with the approved budget for 2002.

31. He identified budget items for which an increased level of funds was being requested compared with the 2002 level. These were: the Judges' Pension Scheme; maintenance of premises; library; general temporary assistance; and the contingency fund.

32. With regard to the Judges' Pension Scheme, he noted that in 2002, the terms of seven judges would expire, five of whom would be entitled to receive a pension if they were not re-elected. Existing provisions had only been made for meeting obligations in respect of four retiring judges. The provisions would also continue to cover pensions currently being paid.

33. With respect to the maintenance and security of its new premises, the President stated that at the time of preparation of the budget for 2002, the Tribunal had only had four months' experience in assessing the costs required for the maintenance of the new premises. The Tribunal had currently been occupying the new premises for an entire year. In the light of the experience gained, it was now necessary to increase the provision for maintenance of premises in 2003. As regards the library of the Tribunal, while the start-up costs had been set at the seventh Meeting of States Parties at $60,000 per year for the first five years, an increase in this provision was now required to cover operational costs, in order to maintain the acquisition of serial publications and to continue to develop the library's collections.

34. The President also stated that, for 2003, a new post of Archivist was proposed at the P-2 level. The new post was necessitated by the large number of documents involved in the work of the Tribunal and the technical nature of the task of managing the Tribunal's documents and archives.

35. He drew attention to the increase in the appropriation proposed for contingency. On the basis of the experience gained in 2001, provision had been made for two judges ad hoc in contingency, compared to one judge ad hoc in 2002. As in the past, the sum provided for in contingency would only be used when cases were submitted to the Tribunal.

36. In order to maintain a zero-growth approach, the President stated, it had become necessary to decrease the amount of several budget lines. This had been achieved by reassessing needs and by postponing certain expenditures.

37. The budget proposals were first considered in an open-ended working group under the chairmanship of the President of the Meeting. Delegations expressed their appreciation to the President of the Tribunal on maintaining a zero-growth budget, which was indicative of an efficiently run organization. One delegation requested more background information on various proposals contained in the new budget. Concerning the new post of Archivist, it was explained that while in the past the Tribunal had merely classified its own documents, currently it was producing as well as receiving an increasing number of administrative and case-related documents, which required a well-developed archiving system. On a question relating to the library, it was recalled that the library was a primary facility in a court environment and that it needed to be well equipped to serve its purpose. Taking into account the fact that the library of the Tribunal had just completed its initial development phase, a number of factors necessitated the increase in budgetary allocation, including the higher price of many periodicals and the need to acquire monographs, many of which were expensive. With regard to the maintenance of premises, the requested increase was attributed mainly to the fact that since the inauguration of its new modern and sophisticated premises, the Tribunal was now fully responsible for the maintenance of its buildings and services. This included in particular the necessity to maintain existing warranties on equipment until their expiration date. At such time, the Tribunal would renegotiate different contracts which might involve reduced costs and better terms and conditions.

38. The Working Group agreed on the draft budget of the Tribunal for 2003, as proposed by the Tribunal in document SPLOS/WP.16. On the basis of the agreement in the Working Group (SPLOS/L.27), the Meeting approved the budget of the Tribunal for 2003, which is contained in document SPLOS/90.

39. The approved budget amounted to a total of $7,798,300, including: (a) a recurrent expenditure of $6,710,400; and (b) a non-recurrent expenditure of $100,000, essentially for the acquisition of equipment. With a view to providing the Tribunal with the

necessary financial means to consider cases in 2003, the Meeting of States Parties approved $987,900 as contingency funds of the Tribunal, which shall only be used in the event of cases being submitted to the Tribunal. The contingency funds include an amount intended to meet the compensation of two judges ad hoc when required.

40. Further, the Meeting of States Parties approved (SPLOS/89), on an exceptional basis, an additional amount of $500,000 to be appropriated to the Working Capital Fund of the Tribunal, to provide the Tribunal with the necessary financial means to consider cases to the extent that the expenditure could not be met from the contingency funds or from transfer of funds between appropriation sections. The funds were derived from savings from the financial period 2001, and were to be used only in the event of a temporary shortfall in funds.

41. During discussions on the above issue, one delegation emphasized that its agreement with the decision in document SPLOS/89 was based on the caveat that such appropriation was only to prevent future bottlenecks for the Tribunal. He called upon the Tribunal to stay alert and to aim at providing a long-term forecast of its caseload. He cautioned that any type of increase in the contingency fund would have a negative impact.

42. With respect to savings from the budgets of the Tribunal for 1998, 1999 and 2000, the Meeting, on the basis of a working paper prepared by the Tribunal (SPLOS/WP.18), decided that the Tribunal should surrender the savings from those years, as indicated in the working paper, in compliance with the Financial Regulations of the United Nations. The Meeting furthermore decided that a deduction of the amount of such savings should be made from the assessed contributions of States Parties for 2003, (SPLOS/87).

43. With respect to a proposed staff assessment fund, the Meeting had before it a working paper prepared by the Tribunal (SPLOS/WP.19). The Meeting decided that the Tribunal should continue with its current practice with regard to staff assessment pending the adoption of a decision based on a detailed proposal to be submitted by the Tribunal to the thirteenth Meeting of States Parties (SPLOS/88).

44. The budget of the Tribunal for 2003, including its contingency fund and the appropriation to its Working Capital Fund, are to be financed by all States and international organizations that are party to the United Nations Convention on the Law of the Sea. The contributions to be made by States Parties are to be based upon the scale of assessment for the regular budget of the United Nations for the corresponding financial year, adjusted to take account of participation in the Convention (see also paras. 50-53). The European Community indicated that its contribution to the budget would amount to $77,000.

C. Financial Regulations of the Tribunal

45. The Financial Regulations of the Tribunal (SPLOS/WP.17) were discussed in an open-ended working group which was chaired by the President of the Meeting. Document SPLOS/WP.17, which had been prepared by the Secretariat, contained the provisions proposed by the Tribunal and the corresponding provisions from the United Nations and the International Seabed Authority, as requested by the eleventh Meeting of States Parties (SPLOS/73, para. 40). The document also reflected some of the proposals contained in SPLOS/CRP.19 and SPLOS/CRP.27. In considering the working paper, delegations took into account two informal papers: (a) an informal paper dated 18 May 2001, as circulated by the President at the eleventh Meeting of States Parties, containing regulations that had been tentatively agreed upon by the working group at that Meeting; and (b) an informal paper dated 15 March 2002, containing proposals presented by the Tribunal. The Working Group had before it document SPLOS/CRP.29, which also contained a number of proposals by the Tribunal relating to an earlier version of the Financial Regulations (SPLOS/WP.14). The examination of the matter further benefited from references to similar rules adopted for the International Criminal Court (PCNICC/2001/1/Add.2).

46. The Working Group held five meetings and reached an agreement on all provisions as contained in the "Draft Financial Regulations of the International Tribunal for the Law of the Sea: informal working paper by the President of the Meeting of States Parties, dated 26 April 2002". In view of the lack of time and last-minute negotiations on the issue of the currency for the scale of assessment, the Meeting was unable to formally adopt the document. It was agreed that the document would be forwarded to the thirteenth Meeting of States Parties for adoption.

47. During the discussions on the Financial Regulations, the following issues were highlighted: (a) the use of a "split currency system" by the International Tribunal for the Law of the Sea; and (b) change to the scale of assessments for the budget of the Tribunal.

Split currency system

48. It should be recalled that at the tenth Meeting the delegation of Germany had put forward a proposal that a "split currency system" should be used in the presentation of the budget of the Tribunal (SPLOS/60, para. 37). The proposal was reintroduced by the representative of the European Union at the current Meeting. It was stated that, after the dollar, the euro constituted the second most important currency of the world, and that at least 70 per cent of the Tribunal's expenses were incurred in euro, the currency of the host country. It was also mentioned that there were already certain precedents for using the euro as the currency, such as in the case of the recently established International Criminal Court. It was added that the United Nations rules in this regard were also flexible.

49. After a lengthy negotiation, the Meeting agreed that the euro currency would be used for the presentation of the Tribunal's budget (see regulation 3.2 of the Draft Financial Regulations of the Tribunal). The euro would also be used for the determination of the annual contributions and advances; however, payments could be made either in United States dollars or in euros (see regulation 5.6 of the Draft Financial Regulations of the Tribunal). This agreement was reached on the understanding that it was to conform to the principles of savings and practicality, and was also in accordance with the United Nations rules. Some delegations stated that such a decision should be made on an ad-hoc basis, and that such an agreement should not constitute a precedent for all international organizations to use the currency of their headquarters.

Scale of assessment

50. With respect to the scale of assessment, the delegation of Japan, following up on an agreement reached at the eleventh Meeting (SPLOS/73, para. 35), proposed that contributions made by States Parties to the budget of the Tribunal should be subject to a floor rate of 0.01 per cent and a ceiling rate of 22.00 per cent. The proposal included a lowering of the ceiling rate, but not a lowering of the floor rate, as compared to the current situation. The essential aim of Japan's proposal would be to avoid a situation in which the stability and soundness of the finances of the Tribunal were jeopardized because of an excessive dependency upon one country's contribution. It was recalled that such a proposal would reflect a recently adopted change to the scale of assessments for the regular budget of the United Nations. The delegation of Japan was of the view that General Assembly resolution 55/5 of 6 November 2000, lowering the ceiling rate for contributions to the United Nations budget, was neutral in that it respected the autonomy of other United Nations agencies to adopt a similar decision.

51. Some delegations pointed out that the resolution specifically stated that it should not constitute a precedent for other United Nations specialized agencies. Many delegations were of the view that they still needed more time to study Japan's proposal, especially with regard to its feasibility and the financial implications for each individual State Party, and in particular developing countries. It was also emphasized that such consideration would have to take into account the financial status of the Tribunal and its future needs.

52. Despite several new proposals, in particular, to ensure that there would be no increase in the contributions of States in case of a reduction of the ceiling rate, delegations were not in a position at the twelfth Meeting to agree on the lowering of the ceiling rate. It was requested that the proposals of Japan should be issued as official documents for the thirteenth Meeting of States Parties.

53. The Meeting decided that a floor rate of 0.01 per cent and a ceiling rate of 25 per cent would be used in establishing the rate of assessment for States Parties for the budget of the Tribunal for 2003. However, the Meeting also agreed that there should be further discussion of the rate at the thirteenth Meeting of States Parties with regard to future years (see SPLOS/90, para. 4).

D. Report of the External Auditors and financial statements of the Tribunal for 2000

54. Following an introduction by the Registrar, the twelfth Meeting of States Parties considered and took note of the report contained in SPLOS/75.

E. Election of one member of the Tribunal

55. As a result of the passing away on 11 September 2001 of Judge Edward Laing of Belize, whose term of office would have ended on 30 September 2002, a vacancy occurred in the Tribunal. In accordance with article 6, paragraph 1, of the Statute of the Tribunal, vacancies shall be filled by the same method as that laid down for the first election of the members of the Tribunal. Article 6, paragraph 2, of the Statute, provides that a member of the Tribunal elected to replace a member whose term of office has not expired shall hold the office for the remainder of the predecessor's term.

56. An invitation calling for nominations was addressed to all States Parties in accordance with the provisions of the Statute. One candidate, Lennox Fitzroy Ballah, was nominated by Trinidad and Tobago (SPLOS/77, annex I). Based on consultations between the President of the Tribunal and the President of the eleventh Meeting of States Parties, the election was scheduled to take place during the twelfth Meeting of States Parties. The election took place on 19 April 2002.

57. There was one round of balloting, during which the representatives of Algeria, Bolivia, Finland, Singapore and Yugoslavia acted as tellers. Out of 134 ballots cast, with 5 abstentions and no invalid ballots, a majority of 86 votes was required for election. Mr. Lennox Fitzroy Ballah obtained 129 votes, and was elected to serve the remainder of the term of the late Judge Laing. On behalf of the Meeting of States Parties, the President congratulated Mr. Lennox Fitzroy Ballah on his election.

F. Election of seven members of the Tribunal

58. On 19 April 2002, the Meeting held the election of seven members of the Tribunal to replace those members whose terms of office would expire on 30 September 2002 (see SPLOS/14, para. 30 (b)).

59. An invitation calling for nominations was addressed to all States Parties in accordance with the provisions of the Statute of the Tribunal. Thirteen candidates were nominated (see list of candidates, SPLOS/77, annex II).

60. The representative of the Democratic Republic of the Congo withdrew the candidature of Mr. Mukadi Bonyi.

61. The same representatives as in the election of one member acted as tellers. At the first round, out of 134 ballots cast, with 7 invalid ballots and no abstentions, a majority of 85 was required for the election. The following candidates were elected: Lennox Fitzroy Ballah (Trinidad and Tobago) (121 votes), Guangjian Xu (China) (119 votes), Hugo Caminos (Argentina) (117 votes), Jean-Pierre Cot (France) (105 votes) and Tullio Treves (Italy) (105 votes).

62. At the second round, 133 ballots were cast. There was one abstention and no invalid ballot. With a required majority of 88 votes, Mr. Tafsir M. Ndiaye (Senegal) (100 votes) was elected.

63. A third ballot was carried out for the remaining seat. A total of 130 ballots were cast. There was one abstention and no invalid ballot. With a required majority of 86, Mr. Alexander Yankov (Bulgaria) (90 votes) was elected.

64. On behalf of the Meeting of States Parties, the President congratulated the candidates on their election to the Tribunal.

V. Rules of procedure for Meetings of States Parties

65. Pursuant to a discussion on the possibility of granting observer status to the Commission on the Limits of the Continental Shelf at the Meeting of States Parties (see chap. VII. C below), the Meeting decided to include a new paragraph 3 bis under rule 18 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.3), to the effect that the Commission may participate as an observer in a manner consistent both with its functions as an expert body under article 76 and annex II to the Convention, and with the independence of its members (SPLOS/86). The Meeting requested the Secretariat to make the necessary amendments to the Rules of Procedure for Meetings of States Parties.

VI. Information on the activities of the International Seabed Authority

A. Work of the Authority

66. The ninth Meeting of States Parties agreed that the Secretary-General of the International Seabed Authority would be given an opportunity to address the Meetings and provide information with respect to the activities of the Authority (SPLOS/48, para. 53).

67. Pursuant to that decision and in accordance with rule 37 of the Rules of Procedure for Meetings of States Parties, the Secretary-General of the Authority, Satya Nandan, provided the Meeting with an oral report on recent developments with regard to the work of the Authority.

68. The Secretary-General started by recalling the importance of the twelfth Meeting of States Parties being held on the twentieth anniversary of the adoption of the Convention and he reminded the Meeting that the General Assembly would celebrate the occasion on 9 and 10 December 2002.

69. He reported that the most significant milestone for the Authority in 2001 had been the conclusion of 15-year exploration contracts with six former registered pioneer investors, in accordance with the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area approved by the Assembly in 2000. In March 2002, the Authority had also concluded an exploration contract with the Government of India, the remaining registered pioneer investor. As a result, the Authority was now in a contractual relationship with all seven pioneer investors that had been registered under resolution II of the Third United Nations Conference on the Law of the Sea.

70. Another significant achievement in 2001 was the issuance by the Legal and Technical Commission of the Authority of a set of recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules. The recommendations were based upon the outcomes of an international workshop held by the Authority in 1998.

71. The Secretary-General reported that in 2001, at its seventh session, in response to a request made by the Russian Federation, the Council of the Authority had commenced work on the consideration of the appropriate type of regulations for prospecting and exploration for hydrothermal polymetallic sulphides (seafloor massive sulphides) and cobalt-rich ferromanganese crusts. Consideration of issues relating to the elaboration of such regulations would be continued at the forthcoming session of the Council, in 2002. To assist in that work, the Secretariat had organized a seminar, open to all members and observers, as well as members of the Legal and Technical Commission, which would be held in Kingston on 7 August 2002, during the eighth session of the Authority.

72. The Secretary-General announced that, as a prelude to the seminar, the Authority, with the help of three experts, would make a presentation on the topic during the twelfth Meeting of States Parties, providing, inter alia, background information on the metallogenesis of marine minerals, on seafloor massive sulphides and cobalt-rich ferromanganese crusts, and on the biodiversity associated with those mineral resources.

73. He further underlined that, over the past five years, the Authority had successfully established itself as a functional international organization. Over the past two years, its work had become increasingly technical. As a consequence, States members might need to consider, during the eighth session in August 2002, the current pattern of meetings of the Authority to see if it fully met the needs of the various organs and bodies involved and whether it represented the most efficient mechanism for carrying out the technical work required.

74. He stated that the future work of the Authority had three main areas of focus. The first was supervisory functions with respect to the contracts for exploration. The annual reports of contractors would need to be analysed and given detailed consideration by the Legal and Technical Commission. The reporting requirements constituted a mechanism whereby the Authority could be provided with the information required to ensure that the responsibilities of the contractors under the Convention and the Agreement were carried out, including those related to the protection of the marine environment.

75. The second area of focus was the promotion and encouragement of the conduct of marine scientific research in the international seabed area, and

coordination and dissemination of the results of such research and analysis. Since 1998, the Authority had established a pattern of workshops and seminars on specific aspects of deep seabed mining, with participation by internationally recognized scientists, experts, researchers and members of the Legal and Technical Commission as well as representatives of contractors, the offshore mining industry and member States. In August 2002, the Authority would convene the next in its series of workshops.

76. The third area of focus was information-gathering and the establishment and development of databases of scientific and technical information, for the purpose of obtaining a better understanding of the deep ocean environment. The workshops conducted by the Authority highlighted the need to agree on international standards for relevant data and information, allowing for exchange and comparison. Such standardization was essential to enable the Authority to reconcile, evaluate and draw conclusions from data and information.

77. Finally, the Secretary-General reminded States Parties that the eighth session of the Authority would be held at Kingston from 5 to 16 August 2002, to be preceded by a workshop from 29 July to 2 August 2002. One of the important matters to be taken up during the session would be the biennial election of one half the membership of the Council. In addition, the Authority would need to consider and adopt its budget for the period 2003-2004.

78. In conclusion, he urged all member States to participate in the eighth session of the Authority. Failure to achieve the required quorum would frustrate the ability of the Authority to take important decisions.

79. The Meeting took note with appreciation of the statement of the Secretary-General.

B. Presentations by experts called upon by the Authority

80. The Secretary-General of the International Seabed Authority introduced the three scientists who would make presentations in the context of the work of the Authority on cobalt-rich ferromanganese crusts and polymetallic sulphides, as well as the ecosystems in which these minerals were found.

81. It was explained that, whereas during the negotiations of UNCLOS, in the 1970s and 1980s, the ocean basins were considered "passive containers" of resources, currently they were seen to be characterized by processes generating continuous change (e.g., plate tectonics). In particular, it had been discovered that metals were continuously "inserted" into the oceans through a process whereby sea water infiltrated up to 300 metres into the ocean crust in high-temperature reaction zones (magma centres being the heating source). Through chemical reactions the water mixed with metals found in the rocks to form a hydrothermal fluid, which then sprang out from beneath the floor and combined with sea water to form metal sulphides. The precipitation of the minerals thus dissolved in the water formed "high smokers" (also called hydrothermal vents) rich in polymetallic sulphides. Polymetallic sulphides contained, inter alia, gold, whose presence was of great scientific as well as economic interest, and indium, a metal used for the production of computers, for which sources on land were scarce.

82. Research had also shown that hydrothermal vents were rich in biodiversity (500 species had been identified, more than 90 per cent of which were unique to these areas) and had a very high biomass (amount of live material per square metre), as opposed to the deep ocean floor, which was often compared to a desert. Hydrothermal vent ecosystems functioned on the basis of a process known as chemosynthesis (as opposed to photosynthesis, which characterized most other life forms), through which hydrogen sulphide gas was transformed into energy by microbes, which in turn constituted the basis of the food chain of the ecosystem. These novel biochemical systems were attracting the interest of scientists, especially in the light of the extreme conditions under which the systems functioned. For example, the special haemoglobin developed by tube worms inhabiting such ecosystems, which might lead to the production of artificial blood, was one promising area of research. There was also growing interest in the commercial value of the extreme-conditions enzymes and bioactive compounds that could be extracted from microbes living in such ecosystems and would then be used in a number of industrial processes (seven or eight enzymes currently being marketed had been developed from microbes found in hydrothermal vents).

83. It was stressed that the close relationship between the mineral deposits and the micro-organisms

inhabiting the vents and the nearby biota should be taken into account when considering the possibility of exploiting the mineral resources. Removal of minerals would entail the destruction of the habitats and food sources of those living resources.

84. Other newly discovered resources in the form of cobalt-rich ferromanganese crusts were found in seamounts. They were found both within and outside the limits of national jurisdiction (200 nm) at depths of 200 to 2,000 metres.

85. Finally, it was pointed out that only 5 per cent of the deep ocean floor had been systematically explored.

VII. Matters related to the continental shelf and the Commission on the Limits of the Continental Shelf

A. Statement by the Chairman of the Commission on the Limits of the Continental Shelf

86. In accordance with the practice of the Meeting of States Parties, the President invited the Chairman of the Commission on the Limits of the Continental Shelf, Yuri Kazmin, to provide information on the work of the Commission and its recent activities.

87. The Chairman informed the Meeting that, on 20 December 2001, the Commission had received its first submission, from the Russian Federation, and had begun the consideration of the submission at its tenth session (25 March-12 April 2002). He expressed his concerns regarding the lack of attendance at the sessions of the Commission by a number of members of the Commission, which had made it difficult to achieve a quorum.

88. The Commission had begun its tenth session formally only after the required quorum had been achieved. Park Yong-Ahn, Vice-Chairman, replaced Mr. Kazmin in assuming the chair for following up the consideration of the submission by the Russian Federation. Mr. Kazmin informed the Meeting that Ivan Gloumov, Deputy Minister of Natural Resources of the Russian Federation, accompanied by other experts, had been invited to make a presentation of the submission (CLCS/31) to the Commission, followed by a question-and-answer period. Mr. Gloumov was also requested to present the position of his Government regarding communications addressed to the Secretary-General by Canada, Denmark, Japan, Norway and the United States of America, which had been circulated by the Secretariat to all members of the Commission as well as to States Members of the United Nations. Mr. Gloumov was of the view that those communications did not constitute obstacles to the consideration of the submission by the Commission. At the end of his presentation he stated that, if required, members of the Commission were welcome to visit the Russian Federation with a view to examining relevant databases in situ.

89. Following informal consultations and in accordance with article 5 of annex II to the Convention, a subcommission composed of seven members, appointed in a "balanced manner and taking into account the specific elements" of the Russian Federation's submission, was established with the following composition: Alexandre Tagore Medeiros de Albuquerque (Brazil), Lawrence Folajimi Awosika (Nigeria), Galo Carrera Hurtado (Mexico), Peter F. Croker (Ireland), Karl H.F. Hinz (Germany), Iain C. Lamont (New Zealand) and Yong-Ahn Park (Republic of Korea). Mr. Carrera was appointed Chairman, Mr. Hinz Vice-Chairman and Mr. Croker Rapporteur of the subcommission.

90. The subcommission continued its work through the end of the tenth session of the Commission; it met twice daily and convened 20 meetings, including 6 meetings devoted to consultations in the form of questions and answers between members of the subcommission and the experts of the delegation of the Russian Federation. Taking into account the complexity and volume of the data involved, the Commission had not been in a position to make a recommendation by the end of its tenth session.

91. It was decided that the subcommission would reconvene from 10 to 14 June 2002 before the expiration of the term of office of the current membership of the Commission on 15 June 2002. Mr. Kazmin informed the Meeting that additional information requested would be provided by the Russian Federation by mid-May. Upon the completion of its work, the subcommission was to submit its recommendations through the United Nations Secretariat to the newly elected membership of the Commission, which will hold the eleventh session of the Commission from 24 to 28 June 2002.

92. The Chairman of the Commission expressed his appreciation to the Secretary-General of the United Nations and to the Division for Ocean Affairs and the Law of the Sea in particular, for all the work done in preparation for dealing with submissions, including providing the subcommission with the use of a conference room equipped with the latest technology. He also wished to acknowledge the invaluable contribution to the work of the Commission of some of his colleagues who had not been nominated for the upcoming election of the membership of the Commission: Aly I. Beltagy (Egypt); André C. W. Chan Chim Yuk (Mauritius); Kazuchika Hamuro (Japan); Karl H. F. Hinz (Germany); Iain C. Lamont (New Zealand); Chisengu Leo M'Dala (Zambia); Daniel Rio (France); and K. R. Srinivasan (India).

93. Regarding the submission made by the Russian Federation to the Commission on the Limits of the Continental Shelf, the representative of the Russian Federation referred to the note verbale dated 25 February 2002 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General of the United Nations (SPLOS/82). He was of the view that the map included in the communication of Japan presented a partial position and pointed out that constructive consultations were taking place between their two Governments on the issue. He regretted that such a document had been circulated in the Meeting of States Parties.

94. The representative of Japan agreed that bilateral consultations were being carried out on the technical matter. He emphasized that document SPLOS/82 was not an attempt at politicizing the issue, but only at highlighting a technical matter.

B. Election of members of the Commission

95. In conformity with article 2, paragraph 4, of annex II to the United Nations Convention on the Law of the Sea, the members of the Commission on the Limits of the Continental Shelf shall be elected for a term of five years. In accordance with rule 7, paragraph 2, of the Rules of Procedure of the Commission, the terms of office of the members of the Commission elected at the first election began on the date of the first meeting of the Commission, i. e., 16 June 1997. The terms of office of the 21 members of the Commission will thus expire on 15 June 2002.

96. An invitation calling for nominations was addressed to all States Parties. The list of candidates nominated by States and the curricula vitae of those candidates were circulated in documents SPLOS/80 and SPLOS/81. The election was held on 23 April 2002.

97. In accordance with article 2, paragraph 3, of annex II to the Convention, no less than three members of the Commission shall be elected from each geographical region. After consultations and in accordance with the understanding reached by the twelfth Meeting on 18 April 2002, for the purpose of conducting the second election, the members of the Commission on the Limits of the Continental Shelf were elected as follows: four members from the Group of African States; six members from the Group of Asian States; three members from the Group of Eastern European States; four members from the Group of Latin American and Caribbean States; and four members from the Group of Western European and Other States.

98. Elections were held in accordance with article 2, paragraph 3, of annex *II* to the Convention, which states that two thirds of the States Parties shall constitute a quorum for election and that the persons elected to the Commission shall be those nominees who obtain a two-thirds majority of the votes of the represented States Parties present and voting.

99. The representatives of Algeria, Bolivia, Finland, Singapore and Yugoslavia acted as tellers for the election.

100. There was only one round of balloting. Out of 134 ballots cast, with 10 invalid ballots and no abstentions, a majority of 83 votes was required for election. The following 21 candidates were elected: Noel Newton St. Claver Francis (Jamaica) (118 votes), Lawrence Folajimi Awosika (Nigeria) (117 votes), Indurlall Fagoonee (Mauritius) (117 votes), Yuri Borisovitch Kazmin (Russian Federation) (117 votes), Alexandre Tagore Medeiros de Albuquerque (Brazil) (116 votes), Galo Carrera Hurtado (Mexico) (113 votes), Mihai Silviu German (Romania) (113 votes), Yao Ubuènalè Woeledji (Togo) (113 votes), Osvaldo Pedro Astiz (Argentina) (112 votes), Samuel Sona Betah (Cameroon) (112 votes), Mladen Juračić (Croatia) (111 votes), Naresh Kumar Thakur (India) (105 votes), Peter F. Croker (Ireland) (102 votes), Wenzheng Lu (China) (102 votes), Fernando Manuel

Maia Pimentel (Portugal) (101 votes), Kensaku Tamaki (Japan) (101 votes), Hilal Mohamed Sultan Al-Azri (Oman) (97 votes), Yong-Ahn Park (Republic of Korea) (97 votes), Harald Brekke (Norway) (95 votes), Abu Bakar Jaafar (Malaysia) (93 votes) and Philip Alexander Symonds (Australia) (84 votes).

101. On behalf of the Meeting of States Parties, the President congratulated all the newly elected members of the Commission on the Limits of the Continental Shelf.

C. Observer status of the Commission at the Meeting of States Parties

102. At the twelfth Meeting, the Chairman of the Commission addressed the Meeting of States Parties in relation to item 15 of the agenda of the Meeting, relating to the observer status of the Commission at the Meeting of States Parties. He noted that, as pointed out by the President of the eleventh Meeting of States Parties (SPLOS/73, para. 60), no formal relationship existed between the Meeting of States Parties and the Commission, as it did with the International Tribunal for the Law of the Sea and the International Seabed Authority, both of which enjoyed observer status at the Meeting. This was due to the fact that the Commission had not been established when the Meeting of States Parties had adopted its rules of procedure. He observed that, since the States Parties had displayed great interest in the activities of the Commission, the Meeting might wish to establish such a relationship and grant observer status to the Commission.

103. Mr. Kazmin underlined that the members of the Commission viewed the Meeting of States Parties as playing an important role in the implementation by States of article 76 and annex II to the Convention. In the past the Commission had consulted the Meeting of States Parties on important issues, such as submissions in cases of a dispute between States with opposite or adjacent coasts or other cases of unresolved land and maritime disputes. He also underlined that the Commission was grateful for the role played by the Meeting of States Parties in establishing two voluntary trust funds pertaining to the work of the Commission (General Assembly resolution 55/7, paras. 18 and 20).

104. In conclusion, he highlighted that at its ninth session, the members of the Commission had agreed that granting it observer status might be beneficial to the relationship between the Commission and the Meeting of States Parties and had requested him to address a letter to the President of the Meeting of States Parties, seeking observer status for the Commission. He noted that the President of the Meeting, in his opening statement, had acknowledged receipt of the letter.

105. A number of delegations expressed their support for granting the Commission observer status at the Meeting of States Parties. It was pointed out that it would be beneficial for the work of the Commission as well as for the work of the Meeting of States Parties.

106. A number of delegations underlined that the status of the Commission was different from that of the International Tribunal for the Law of the Sea or of the International Seabed Authority. The latter were autonomous bodies under the Convention, while the Commission was a technical body. The proposal was made that the Commission should therefore report to the Meeting of States Parties on its activities, so that the Meeting might make relevant recommendations. One delegation pointed out that while it would be logical for the Commission to inform the Meeting of States Parties about the work done and the results achieved, the Meeting of States Parties was not in a position to request reports from the Commission, which was an independent technical body. Some delegations were not supportive of the proposal that the Commission should report to the Meeting, although not opposing the granting of observer status to the Commission.

107. In that regard, the Meeting adopted a decision regarding the inclusion of paragraph 3 bis of rule 18 of the Rules of Procedure for Meetings of States Parties, granting observer status to the Commission (SPLOS/86) (see para. 65 above), and requested the Secretariat to issue the necessary corrigendum to the Rules of Procedure for the Meetings of States Parties.

D. Issues with respect to article 4 of annex II to the United Nations Convention on the Law of the Sea

108. Under article 4 of annex II to the Convention, a coastal State intending to establish the outer limits of its continental shelf beyond 200 nautical miles is obligated to submit particulars of such limits to the Commission on the Limits of the Continental Shelf,

along with supporting scientific and technical data as soon as possible, but in any case within 10 years of the entry into force of the Convention for that State.

109. The eleventh Meeting of States Parties decided that, for a State for which the Convention had entered into force before 13 May 1999, the date of commencement of the 10-year time period for making submissions to the Commission was 13 May 1999; therefore the submission should be made by 13 May 2009 (SPLOS/72).

110. At the twelfth Meeting, the Chairman referred to paragraph 102 of the report of the eleventh Meeting (SPLOS/73), pointing to the need to retain the item on issues with respect to article 4 of annex II to the United Nations Convention on the Law of the Sea on the agenda for the twelfth Meeting. In recognition of the continuing need for the consideration of the item, the Meeting decided to retain the item on the provisional agenda for the thirteenth Meeting.

VIII. Matters related to article 319 of the United Nations Convention on the Law of the Sea

111. At the tenth Meeting, Chile had proposed that the Meeting of States Parties consider issues relating to the implementation of the Convention and that the Meeting should receive a report every year from the Secretary-General on issues of a general nature that had arisen with respect to the Convention (see SPLOS/CRP.22 and SPLOS/60, paras. 73-78).

112. At the twelfth Meeting, a number of delegations referred to the views they had expressed at the eleventh Meeting of States Parties regarding the role of the Meeting in considering issues relating to the implementation of the Convention (SPLOS/73, paras. 85-92).

113. Some delegations, which did not support the view that the Meeting of States Parties had the competence to consider issues relating to the implementation of the Convention, proposed that the item be removed from the agenda of the Meeting of States Parties. They were of the view that there was no legal basis in the Convention for such a role. It was pointed out that issues relating to the implementation of the Convention were being dealt with in other forums, especially by the General Assembly. In that regard, one delegation referred to the mandate of the General Assembly as reflected in Assembly resolution 49/28 of 6 December 1994.

114. In response to the above proposal, several delegations expressed support for the retention of the agenda item, pointing out that its retention was essential in order to enable delegations to consider issues relating to the implementation of the Convention at future Meetings, should the need arise. In their view, the Meeting did have the competence to consider issues relating to the implementation of the Convention; to say otherwise would, in the view of one delegation, contradict article 319 of the Convention and the law of treaties. According to some delegations, the consideration of ocean issues by the General Assembly and the Informal Consultative Process did not imply that the Meeting of States Parties had no role in relation to the Convention. It was pointed out that the eleventh Meeting of States Parties had already considered an issue relating to the implementation of the Convention and had taken a decision regarding the date of commencement of the 10-year period for making submissions to the Commission on the Limits of the Continental Shelf. In response, some delegations emphasized that the decision taken by the Meeting of States Parties at its eleventh Meeting was of an organizational and not a substantive nature and represented, according to one delegation, an extension of the administrative powers of the Meeting of States Parties.

115. One delegation proposed that, in view of the lengthy discussions that had already taken place on the issue, the Meeting should take a decision regarding its role at the current Meeting. Another delegation suggested that it should begin considering how it envisaged its role in relation to the implementation of the Convention. A third delegation was of the view that there was no need to formalize a monitoring role for the Meeting of States Parties, but that the door should rather be left open for any need that might arise. Some delegations proposed that the consideration of the role of the Meeting of States Parties should be postponed until the following year. One delegation noted that the Meeting would be in a better position to take a decision on the issue after the General Assembly had completed its review of the effectiveness and utility of the Informal Consultative Process.

116. In the light of the various views expressed, including that of the President that the issue constituted

a very broad agenda item relating to depositary functions, the Meeting of States Parties decided to retain the current item entitled "Matters related to article 319 of the United Nations Convention on the Law of the Sea" on the provisional agenda for its next Meeting.

IX. Other matters

A. Statement by the representative of a non-governmental organization regarding seafarers

117. In accordance with rule 18, paragraph 4, of the Rules of Procedure for Meetings of States Parties, the Seamen's Church Institute was invited to address the Meeting as an observer. In his statement, the representative of the Institute drew attention to two issues: the duty to rescue persons in distress at sea and the safety of fishing vessels.

118. The representative underlined that one of the most cherished and protected maritime traditions was a mariners' obligation to go to the aid of all persons in distress at sea. The duty to rescue persons in distress at sea was also a legal duty under customary maritime law, international conventions and domestic law. In particular, he underlined the provisions contained in article 98 of UNCLOS and Chapter V, Regulation 10 of the International Convention for the Safety of Life at Sea (SOLAS). Caution was expressed that no action should be taken by any State that might create a disincentive for vessels to respond to a distress at sea. There had been reports of cases in which port States had placed unreasonable financial burdens on ships that had gone to the aid of persons in distress at sea, either by refusing them entry or by imposing on them financial responsibility for feeding, housing and repatriating the shipwrecked persons who had been allowed entry. This had resulted in a negative precedent for masters and shipowners not to comply with their moral and legal obligation to rescue persons in distress at sea.

119. Turning to the question of fishing vessel safety, the representative of the Institute pointed out that commercial fishing was one of the most dangerous occupations in the world. Nevertheless, a fragmented fishing industry coupled with a lack of political will by States had resulted in few, if any, national or international fishing vessel safety regulations. The International Maritime Organization, the International Labour Organization and the Food and Agriculture Organization of the United Nations had attempted to address some of the fishing vessel safety issues in the Torremolinos Convention and the STCW-F Convention, but neither of those conventions had come into force because of insufficient ratifications. He stressed that the international community should no longer tolerate such human losses. In that context, the obligation of States under UNCLOS must be fulfilled. In situations where UNCLOS did not address a particular need, States Parties should use the framework provided by the Convention to develop specific areas of the law of the sea. He underlined that when one flag State did not honour its obligations under UNCLOS, all States Parties were affected.

120. He concluded by pointing out that the community of nations, as well as individual nations, must step in to protect the seas' most valuable resource: the human beings who lived and worked on ships.

B. Statement by the President at the closure of the twelfth Meeting of States Parties

121. In his closing statement, the President of the Meeting began by pointing out that, according to the Credentials Committee, all States Parties to the Convention had participated in the twelfth Meeting. This confirmed the unique place of the Convention in international law, as the cornerstone of all modern efforts to develop and implement the legal framework for the oceans and seas and their resources.

122. The President continued by reviewing the work carried out by the Meeting. He observed that the swift approval given to the budget proposed by the Tribunal for 2003, reflected the efficient and serious manner in which the Tribunal had approached the matter. In the area of budgetary and financial matters, the Meeting had also reviewed and taken decisions on issues ranging from savings from previous budgets of the Tribunal and the staff assessment fund of the Tribunal to the transfer of funds between appropriation sections of the budget and the Working Capital Fund when necessary to deal with cases. He underlined the need to ensure that the assessed contributions to the Tribunal and the Authority were paid in full and in a timely

fashion, so that they might discharge their functions effectively and efficiently. He also urged States whose experts served on the Commission on the Limits of the Continental Shelf to facilitate their participation in meetings of the Commission.

123. Among the most important accomplishments of the Meeting, he pointed to the elections to the International Tribunal for the Law of the Sea and elections to the Commission on the Limits of the Continental Shelf. He extended his congratulations to those members who had been elected to the Tribunal and to the Commission. With regard to future elections, he observed that while the previous practice was to present an alphabetical list of candidates on the ballots, future elections would be based on geographical representation so as to make it easier to conduct them.

124. Another important task carried out by the Meeting was the adoption of the Financial Regulations of the Tribunal, on the basis of a previously drafted text, based in turn on a working paper prepared by the Secretariat, as well as on the rules adopted for the International Criminal Court. With respect to the issue of currency, it was agreed that annual contributions and advances would be determined in euros, while the contributions themselves might be paid either in United States dollars or in euros.

125. With respect to the rules of procedure of the Meeting, a rule had been adopted granting the Commission on the Limits of the Continental Shelf observer status at Meetings of States Parties.

126. The discussion on matters relating to article 319 of the Convention had been resumed by the Meeting. Several delegations had expressed the view that the item should be removed from the Meeting's agenda, while others held that the Meeting should maintain the item on the agenda so as not to foreclose the possibility for the States Parties to discuss issues that might be of importance in the context of the law of the sea. The Meeting had also agreed to maintain on its agenda issues with respect to article 4 of annex II to the Convention.

127. The President thanked the Secretary-General of the International Seabed Authority for introducing three eminent scientists to make presentations in the context of the work of the Authority on polymetallic sulphides and cobalt-rich ferromanganese crusts, including the impacts that activities relating to those resources might have on the relevant ecosystems.

128. He also noted the statement by the representative of the Seamen's Church Institute and thanked him for drawing the attention of the Meeting to the issues of the duty to rescue and fishing vessel safety.

129. The President outlined the agenda items for the thirteenth Meeting (see paras. 130-131 below) and noted that the year 2002 marked the twentieth anniversary of the adoption and opening for signature of the Convention. He concluded by stating that the fact that all institutions created by the Convention had completed the initial set-up period and were now fully functioning was rooted in the international community's acceptance of the Convention as the globally recognized universal standard for conduct by States with respect to the oceans.

C. Dates and programme of work for the thirteenth Meeting of States Parties

130. The thirteenth Meeting of States Parties will be held in New York from 9 to 13 June 2003.

131. The thirteenth Meeting will have on its agenda, inter alia, the following items:

(a) Report of the International Tribunal for the Law of the Sea for 2002;

(b) Draft budget of the Tribunal;

(c) Scale of assessment for the contribution of States Parties to the budget of the International Tribunal for the Law of the Sea;

(d) Adoption of the Financial Regulations of the International Tribunal for the Law of the Sea;

(e) Report of the External Auditors for the financial year 2001, with financial statements of the Tribunal as of 31 December 2001;

(f) Issues with respect to article 4 of annex II to the United Nations Convention on the Law of the Sea;

(g) Matters related to article 319 of the United Nations Convention on the Law of the Sea;

(h) Other matters.